

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Nevada Smith

Plaintiff,

16cv2436 WMW/TNL
Case No. _____

vs.

DEMAND FOR JURY TRIAL

Best & Flanagan, LLP, Law Firm
Respondeat Superior

Steven R. Kruger, General Partner,
Officer, Registered Agent,
Best & Flanagan, LLP

Charles C. Berquist, General Partner
Officer Registered Agent,
Best & Flanagan, LLP

Edward P. Sheu, Attorney, Agent
Best & Flanagan, LLP

Timothy A. Sullivan, Attorney, Agent
Best & Flanagan, LLP

Defendants,

RECEIVED

JUL 18 2016

CLERK, U.S. DISTRICT COURT
ST. PAUL, MINNESOTA

COMPLAINT

I. PARTIES

1. Plaintiff

A. Nevada Smith A/K/A Michael L. Buesgens, Pro Se
PO Box 294
Morristown, Minnesota, 55052
Phone: 802-552-7975 / Email: nevadasmith@subliminalqt.com
July 18, 2016

SCANNED
JUL 18 2016
U.S. DISTRICT COURT ST. PAUL

2. Defendants

- A. Best & Flanagan, LLP, SOS File No. 9318-LLP
Limited Liability Partnership,
Professional Liability Insurance LLOYDS OF LONDON
60 South Sixth Street, Suite 2700
Minneapolis, Minnesota 55402
Phone: 612-339-7121
Fax: 612-339-5897
Email: info@bestlaw.com
- B. Steven R. Kruger, General Partner, License No. 0143273
Registered Agent
Best & Flanagan, LLP
60 South Sixth Street, Suite 2700
Minneapolis, Minnesota 55402
Phone: 612-349-5646
Fax: 612-339-5897
Email: skruger@bestlaw.com
- C. Charles C. Berquist, General Partner, License No. 0007808
Best & Flanagan, LLP
60 South Sixth Street, Suite 2700
Minneapolis, Minnesota 55402
Phone: 612-341-9726
Fax: 612-339-5897
Email: cberquist@bestlaw.com
- D. Edward P. Sheu, Agent-Attorney, License No. 0312885
Ed claims he is Registered Agent to Process Server Jim Sutcliffe
Best & Flanagan, LLP
60 South Sixth Street, Suite 2700
Minneapolis, Minnesota 55402
Phone: 612-349-5656
Fax: 612-339-5897
Email: esheu@bestlaw.com
- E. Timothy A. Sullivan, Agent-Attorney, License No. 0107165
Tim claims he is an Officer to Process Server Pro Legal
Best & Flanagan, LLP
60 South Sixth Street, Suite 2700
Minneapolis, Minnesota 55402
Phone: 612-341-9725 / Fax: 612-339-5897
Email: tsullivan@bestlaw.com

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4. Harassment Complaint	PAGE 7
Court File No. 40-CV-16-652 The Honorable Diane M. Hanson	
FILED BY	
Defendants Best & Flanagan, LLP,	
Respondeat Superior	
Steve Kruger, Chuck Berquist, General Partners,	
Officers and Registered Agents	
Ed Sheu, and Tim Sullivan, Agents, Attorneys	
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II. JURISDICTION

1. 28 U.S.C.: Section 1983
2. Hall v. Garson, 430 F.2d 430 (5th Cir. 1970)
3. Honorable Sam Sparks Opinion and Order, Filed: June 21, 2007
Case 1:07-CV-00427-SS
United States District Court for the Western District of Texas
Austin Division
501 West Fifth Street, Suite 1100
Austin, Texas 78701
4. Exhibit # 2 – Judge Sam Sparks Opinion and Order
5. Exhibit # 3 – U. S. District Court, District of Minnesota Opinion and Order
6. Judge Sam Sparks Opinion and Order creates substantial federal jurisdiction in plaintiff civil action against defendants.
7. Defendants have deprived plaintiff of his right to a fair and impartial hearing and trial in Minnesota State Courts; using Judge Sam Sparks, Opinion and Order.
7. Defendants have polluted the well of justice in the following Minnesota State Court cases, where no judge can preside over a fair and impartial hearing.
8. Minnesota State Courts
 - A. Court File No. 27-CV-15-17796- Plaintiff First Court Action
Hennepin County District Court
Fourth Judicial District, Minneapolis, Minnesota
Honorable Susan N. Burke
 - B. Court File No. 40-CV-16-440 – Le Sueur County District Court
 - C. Court File No. 40-CV-16-437 – LeCenter, Minnesota
 - D. Court File No. 40-Cv-16-178 – Combined Case
 - E. Court File No. 40-CV-16-652 – Defendants Harassment Complaint

F. Minnesota First Judicial District

G. Joanne M. Kopet, Court Administrator

H. Honorable Diane M. Hanson, Presiding from the
Scott County District Court, Shakopee, Minnesota

9. Defendants acting under color of law have deprived plaintiff of his rights, privileges, or immunities secured by the Constitution and laws.

III. VENUE

1. Defendants reside in State of Minnesota, Eighth Circuit

2. Defendants have made contacts with the State of Texas, Fifth Circuit,
Judge Sam Sparks, U.S. District Court for the Western District of Texas, Austin,
Texas and Pacer Federal Court electronic records, San Antonio, Texas

A. Exhibit # 1

3. Plaintiff Nevada Smith Facts alleged occurred at the foregoing.

AND

4. Facts alleged occurred at defendants Best & Flanagan, LLP, et. al.,
Law Office, at 60 South Sixth Street, Suite 2700, Minneapolis, Minnesota 55402

5. Evidence of wrongdoing is in defendants Best & Flanagan, LLP, et. al.
Exhibits of Judge Sam Sparks Order in their Court filings in the following:

A. Court File No. 27-CV-15-17796

B. Court File No. 40-CV-16-440

C. Court File No. 40-CV-16-178

D. Court File No. 40-CV-16-437

E. These Best & Flanagan, LLP exhibits will not be found if Le Sueur County District Court Administrator Joanne M. Kopet removed them from the Register of Actions.

6. Facts alleged occurred at Hennepin County District Court, Fourth Judicial Circuit, Minneapolis, Minnesota, in Court File No. 27-CV-15-17796

A. The Honorable Susan N. Burke, Presiding

B. Order entered May 10, 2016, Doc ID# 110

7. Facts alleged occurred at Le Sueur County District Court, First Judicial Circuit, LeCenter, Minnesota in Court File No. 40-CV-16-437, Court File No. 40-CV-16-440 and Court File No. 40-CV-16-178

A. The Honorable Diane M. Hanson, Presiding, Scott County, MN

B. Joanne M. Kopet, Court Administrator, Le Sueur County, MN

8. The Facts alleged occurred at Scott County District Court, First Judicial District, in Court File No. 40-CV-16-437, Court File No. 40-CV-16-440, Court File No. 40-CV-16-178

A. The Honorable Diane M. Hanson, Presiding

B. Hearing July 19, 2016 at 9:00 am

C. Scott County District Court, Shakopee, Minnesota

9. The facts alleged occurred at Scott County District Court, First Judicial District, in Court File No. 40-CV-16-652

**IV. DEFENDANTS BEST & FLANAGAN, LLP HARASSMENT COMPLAINT
COURT FILE NO.: 40-CV-16-652**

1. Best & Flanagan, LLP
Petitioner,

v.

Nevada Smith
Respondent,

A. The Honorable Diane M. Hanson, Presiding

B. Hearing July 19, 2016 at 9:00 am.

C. Scott County District Court – Government Center –JC115

200 Fourth Avenue West, Shakopee, MN 55379-1220

V. BACKGROUND

1. Plaintiff Nevada is also known as Michael L. Buesgens. Plaintiff changed his name in January, 2015.

2. Nevada Smith is plaintiff in the following Minnesota State Court civil actions:

A. Court File No. 27-CV-15-17796 – Hennepin County District Court, MN

B. Court File No. 40-CV-16-440 – Le Sueur County District Court, MN

C. Court File No. 40-CV-16-437 – Le Sueur County District Court, MN

D. Court File No. 40-CV-16-178 – Le Sueur County District Court, MN

3. Nevada Smith is respondent in defendant Best & Flanagan, LLP Harassment Complaint

A. Court File No. 40-CV-16-652 – Minn. Stat. Section 609.748

4. The defendants in the foregoing civil actions are the following:

- A. Best & Flanagan, LLP, Respondeat Superior
- B. Edward P. Sheu, Agent-Attorney
Represented by Timothy A. Sullivan
- C. Gary L. Voegelé, Real Estate Attorney-Notary, Faribault, MN
Is Transfer on Death Deed- Avoid Probate Attorney-Notary
Represented by Lind, Jensen, Sullivan, & Peterson
- D. George Michael Wagner, MD, Allina Health, Faribault, MN is
Ralph Buesgens, MD, Primary Health Care Provider
Represented by Arthur, Chapman, Kettering, Smetak, & Pikala
- E. Patricia A. Buesgens, RN, Personal Representative for her father
Ralph H. Buesgens, MD Real and Personal Property
Represented by Best & Flanagan, LLP
- F. Lisa Kaye Buesgens, RN, Administrator
- G. Jill Buesgens Schlueter
- H. Lee Buesgens McCaig
Represented by Best & Flanagan, LLP
- I. Jay M. Schneider, Manager, Waterville Lake Region Life Newspaper
Waterville, Minnesota, Le Sueur County

1. Did not file answer to plaintiff complaint with the courts and does not appear at hearings.

2. Attorney Mark R. Anfinson, Minnesota Newspaper Association;
appears and disappears through the back door of these civil actions

J. Charles Wann, CEO, Registered Agent and Suel Printing Company
New Prague, Minnesota, Le Sueur County

Le Sueur and Scott County District Courts Civil Action Confusion
And
Register of Actions Inaccuracy

5. Court File No. 27-CV-15-17796 – Hennepin County District Court
Minneapolis, MN, Minnesota Fourth Judicial District

A. The Honorable Susan N. Burke
B. Order entered May 10, 2016, Doc ID# 110

C. Transferred case to Le Sueur County District Court on May 10, 2016

D. Exhibit # 4

6. Court File No. 27-CV-15-17796 became Le Sueur County Court File
No. 40-CV-16-440, First Judicial District, LeCenter, Minnesota

7. Court file No. 40-CV-16-440 Register of Actions do not accurately reflect
what took place in Court File No. 27-CV-15-17796

A. The Honorable Diane M. Hanson, Presiding from Scott County District
Court, First Judicial District, Shakopee, Minnesota

B. Order entered June 13, 2016

C. Plaintiff Notice to Remove Judge Diane M. Hanson Denied

D. Civil Actions Combined into Court File No. 40-CV-16-178
Le Sueur County District Court

E. Exhibit # 5

8. Court File No. 40-CV-16-178 – Le Sueur County District Court Register of
Actions do not accurately describe what took place in the following:

A. Court File No. 27-CV-15-17796

B. Court File No. 40-CV-16-440

C. Court File No. 40-CV-16-437 – Defendant Best & Flanagan, LLP

D. Honorable Diane M. Hanson, Shakopee, Minnesota

E. Michael Gilligan, Law Clerk, Shakopee, Minnesota

F. Joanne M. Kopet, Court Administrator, LeCenter, Minnesota

9. Plaintiff requests for Register of Actions correction to Judge Diane M. Hanson, Michael Gilligan, Law Clerk, and Joanne M. Kopet, Court Administrator Denied.

10. Attorneys and Law Firms have no interest in a correct Register of Actions, because they like the confusion, which will provide orders for motions to dismiss.

11. Minn. R. Civ. P. 63.03 Notice to Remove - "A showing that the judge or judicial officer might be excluded for bias from acting as a juror in the matter constitutes an affirmative showing of prejudice".

A. Exhibit # 6 – Plaintiff Notice to Remove

12. Defendants Best & Flanagan, LLP, Steve Kruger, Chuck Berquist, Ed Sheu, and Tim Sullivan submitted Judge Sam Sparks order to Judge Diane M. Hanson. Judge Sparks Case 1:07-CV-00427-SS, Austin, Texas.

13. Judge Sam Sparks order directed at Judge Diane M. Hanson heart and mind, by defendants Best & Flanagan, LLP, et. al. constitutes an affirmative showing of prejudice, in plaintiff Minnesota State Court civil actions.

14. Judge Diane M. Hanson then decided to make Judge Sam Sparks Order evidence in the following:

- A. Court File No. 40-CV-16-178
- B. Court File No. 40-CV-16-440
- C. Court File No. 40-CV-16-437
- D. Court File No. 40-CV-16-652

E. See Judge Diane M. Hanson Order entered June 13, 2016

F. Hearing July 19, 2016 at 9:00 am, at Scott County District Court, Shakopee, Minnesota

15. Court File No. **40-CV-16-437** – Le Sueur County District Court

A. Plaintiff Nevada Smith Amended Complaint entered May 13, 2016,

Doc ID# 6 – Added Defendants Best & Flanagan, LLP and Edward P. Sheu

B. Plaintiff has Jury Demand in this case – Fee Paid – Doc ID# 19

C. Judge Hanson Order June 13, 2016, Doc ID# 20

16. Best & Flanagan, LLP employee Timothy Sullivan, Attorney filed Motion to Dismiss plaintiff Amended Complaint and claimed that Best & Flanagan, LLP has been effectively served by process server Jim Sutcliffe in Court File No. 40-CV-16-437.

17. Best & Flanagan, LLP were in fact not effectively served plaintiff Summons and Amended Complaint by Jim Sutcliff, because defendant Edward P. Sheu interfered with service of process by claiming that he is officer and registered agent at Best & Flanagan, LLP.

A. Exhibit # 7

18. Plaintiff had to hire another process server Pro Legal and Registered Agents and Officers Steve Kruger and Chuck Berquist, General Partners refused to accept service of process and Attorney Tim Sullivan made the claim that he was an Officer at Best & Flanagan, LLP, when fact he is not.

19. Plaintiff then asked Pro Legal to have Minnesota Secretary of State to serve process, which in fact they did.

20. Best & Flanagan, LLP, Respondeat superior, and General Partners Steve Kruger and Chuck Berquist, Registered Agents did not file answer to plaintiff Amended Complaint in Court File No. 40-CV-16-437.

21. Best & Flanagan, LLP, et.al. did not file answer because they decide which Minnesota and Federal Rules and Statues they will comply with and which Rules and Statutes they will intentionally runaround.

22. Plaintiff cannot receive a fair and impartial hearing and trial at Minnesota First Judicial District because of defendants' wrongdoing with Judge Sam Sparks Opinion and Order, and for the following reason:

23. Plaintiff has misconduct complaint against Joanne M. Kopet, Court Administrator for the Le Sueur County District Court, located in LeCenter, Minnesota.

24. Plaintiff alleges that Joanne M. Kopet provided legal advice by telephone to defendant Jay M. Schneider, Manager, Waterville Lake Region Life Newspaper in Waterville, Minnesota.

25. That Joanne M. Kopet provided this legal advice on August 3, 2015 from 1:30 pm to 4:45 pm.

26. Joanne M. Kopet legal advice harmed plaintiff these civil actions and that her cover up of this with defendant Jay M. Schneider continues to harm plaintiff Nevada Smith.

27. Court File No. 40-CV-16-437 is a different and separate action from Court File No. 40-CV-16-440 and Court File No. 40-CV-16-178.

28. Best & Flanagan, LLP, Edward P. Sheu, Attorney, are opposing Counsel in Court File No. 27-CV-15-17796, Court File No. 40-CV-16-440, and Court File No. 40-CV-178.

29. Best & Flanagan, LLP claim they represent defendants Patricia A. Buesgens, Lisa Kaye Buesgens, Jill Buesgens Schlueter, and Lee Buesgens McCaig

VI. PLAINTIFF STATEMENT OF THE CLAIM

1. Plaintiff complaint against defendants Best & Flanagan, LLP, Steve Kruger, Chuck Berquist, Ed Sheu, and Tim Sullivan at U.S. District Court, District of Minnesota is their use and abuse of Judge Sam Sparks Opinion and Order in Minnesota State Courts.

2. Minnesota is in the Eighth Circuit and Judge Sam Sparks Opinion and Order comes from the Fifth Circuit.

3. The Honorable Sam Sparks Opinion and Order in Case 1:07-CV-00427-SS, Filed: June 21, 2007, at the U. S. District Court for the Western District of Texas, Austin Division has been followed by some U.S. District Courts and not by other U.S. District Courts.

4. Judge Sam Sparks Opinion and Order is entered in Federal District Court and not in State Court and not in Minnesota State Court and not in the Eighth Circuit

5. Best & Flanagan, LLP injected Judge Sam Sparks Opinion and Order as an Exhibit to support two Motions for an Order under Minn. R. Gen. PRAC. 9 into the following Minnesota State Civil Actions:

- A. Court File No. 27-CV-15-17796
- B. Court File No. 40-CV-16-440
- C. Court File No. 40-CV-16-178

D. Court File No. 40-CV-16-437 – Defendants Best & Flanagan, LLP

Amended Complaint Filed: Doc ID# 6

6. Plaintiff complaint against defendants Best & Flanagan, LLP, et.al. is their acting outside the scope of their representation of defendants with an ulterior motive.

7. That defendants Best & Flanagan, LLP, Steve Kruger, Chuck Berquist, Ed Sheu and Tim Sullivan have used Judge Sam Sparks' federal district court order for their own personal needs and not the legal needs of their clients.

8. That defendants intentionally stepped outside the bounds of attorneys zealous representation of their clients, to intentionally harm a pro se litigant.

9. Attorneys and Law Firms routine abuse of process, court rules, and statutes; have harmed many pro se litigants and yet it continues in this case with impunity, for these above the law defendants.

10. That plaintiff has suffered a personal injury from defendants' misconduct and abuse of Judge Sam sparks Opinion and Order.

11. Best & Flanagan, LLP have polluted the well of justice in plaintiff civil actions, at any Minnesota State Court.

12. Best & Flanagan, LLP, et. al. wrongdoing has caused plaintiff Nevada Smith irreversible harm.

13. Plaintiff reputation in the Minnesota judicial community has been damaged beyond repair by Best & Flanagan, LLP wrongdoing

14. Plaintiff cannot receive a fair and impartial hearing and trial in Minnesota.

15. No Minnesota State Court Judge can preside over a fair and impartial hearing and trial for plaintiff Nevada Smith civil actions.

16. Best & Flanagan, LLP have made plaintiff Nevada Smith a defendant in his own civil actions.

17. Best & Flanagan, LLP and Attorney Edward P. Sheu have declared plaintiff a liar and frivolous litigant, at Hennepin County District Court, Le Sueur County District Court and Scott County District Court, in Court File No. 27-CV-15-17796, Court File No. 40-CV-16-440, 40-CV-16-178, and Court File No. 40-CV-16-437.

18. Best & Flanagan, LLP have submitted Judge Sam Sparks Opinion and Order into Hennepin County District Court and Le Sueur County District Court, Minnesota; to make plaintiff a liar and frivolous litigant, in Minnesota State Courts.

VII. RELIEF

1. Defendants pay plaintiff disputed IRS tax bill of approximately \$93,000.00 to the IRS, in Austin, Texas

A. Plaintiff tax bill arises from his withdrawals, from his retirement account, to finance his litigation and living expenses after being forced to take disability retirement; at the IRS, in 2005.

B. Any litigation plaintiff was in, he paid for, and he is still paying.

C. Do the defendants Best & Flanagan, LLP want to work the Rehab Act and the EEOC Regulations?

D. Plaintiff employment discrimination case was never litigated. It was just closed by the U.S. Attorney Office refusal to produce discovery and other tricks of the trade.

E. Best & Flanagan, LLP has taken quite an interest in plaintiff litigation outside the State of Minnesota and the Eighth Circuit.

2. That Best & Flanagan, LLP be required to pay plaintiff attorney fee, for his Chapter 7 bankruptcy filing: at U.S. Bankruptcy Court, District of Minnesota.

3. That Best & Flanagan, LLP be required to represent pro se litigants in court and not just some telephone consult.

4. The next time this court allows appointment of counsel, just put Best & Flanagan, LLP in there.

5. That Best & Flanagan, LLP be required to take on a federal employee Rehab case before this court.

6. Plaintiff requests Compensatory Damages for his litigation expenses in the State of Minnesota.

7. Plaintiff requests Compensatory Damages for his forced litigation outside the State of Minnesota.

8. Plaintiff requests punitive damages of \$503, 245.00

Respectfully Submitted,



Nevada Smith, Plaintiff, Pro Se
PO Box 294
Morristown, Minnesota 55052
Phone: 802-552-7975
Email: nevadasmith@subliminalqt.com
July 18, 2016

VIII. COURTS

1. United States District Court, District of Minnesota
316 North Robert Street, 100 Federal Building
St. Paul, Minnesota 55101
Phone: 651-848-1100/Fax: 651-848-1109
2. Judge Sam Sparks
United States District Court for the Western District of Texas, Austin Division
501 West Fifth Street, Suite 1100
Austin, Texas 78701
Phone: 512-916-5896
3. Judge Susan N. Burke
Hennepin County District Court, Fourth Judicial District
Hennepin County Government Center
300 South Sixth Street, C-332
Minneapolis, Minnesota 55487
Phone: 612-348-3164/Fax: 612-348-2131
4. Joanne M. Kopet, Court Administrator
Le Sueur County District Court, First Judicial District
88 South Park Avenue
LeCenter, Minnesota 56057
Phone: 507-357-8260/Fax: 507-357-6433